

ORIGINAL

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Attorneys for Plaintiff

JOHN A. MOFFETT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 23 2006

at 10 o'clock and 54 min. a M
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOHN A. MOFFETT,

Plaintiff,

vs.

SMF SYSTEMS CORPORATION, a
Maryland corporation; TOM
CAFFREY; RUBY CAFFREY; DOE
CORPORATIONS 1-20; DOE
PARTNERSHIPS 1-20; DOE
ENTITIES 2-10; JOHN DOES 1-20;
JANE DOES 1-20; DOE
GOVERNMENTAL AGENCIES 1-20,

Defendants.

CIVIL NO. 03-00130 MLR/BMK

STIPULATION TO SET ASIDE
JUDGMENT AND TO DISMISS THE
COMPLAINT WITH PREJUDICE AND
ORDER

TRIAL: SEPTEMBER 19, 2005
JUDGE: HON. MANUEL L. REAL

STIPULATION TO SET ASIDE JUDGMENT AND TO DISMISS THE COMPLAINT WITH
PREJUDICE AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and among the parties hereto, as follows:

1. That the Final Judgment, filed herein on December 1, 2005, be set aside by the Court.

2. That Plaintiff's Complaint, filed on March 21, 2003 in the United States District Court for the District of Hawaii, and all claims by Plaintiff in the above-entitled action be and are hereby dismissed with prejudice.

3. This Stipulation is made pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. There are no remaining claims or parties to this action. All appearing parties have signed this Stipulation. Each party shall bear its own costs and attorneys' fees.

DATED: Honolulu, Hawaii, AUG 22, 2006.

/s/ Barbara A. Petrus

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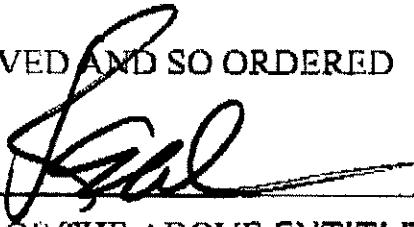
/s/ Lynne T. Toyofuku

LYNNE T. TOYOFUKU

JENNIFER K. MURATA

Attorneys for Defendants
SMF SYSTEMS CORPORATION,
TOM CAFFREY AND RUBY
CAFFREY

APPROVED AND SO ORDERED



JUDGE OF THE ABOVE ENTITLED COURT

Moffett v. SMF Systems Corporation, et al., Civil No. 03-00130; STIPULATION TO
SET ASIDE JUDGMENT AND TO DISMISS THE COMPLAINT WITH PREJUDICE AND
ORDER